

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DEREK RYAN SCHELL,

Petitioner,

v.

MARVIN VAUGHN, Warden,

Respondent.

No. CIV 12-203-JHP-KEW

**OPINION AND ORDER DENYING AMENDED MOTION
FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

Petitioner, a prisoner seeking to bring a habeas corpus action, has filed an amended motion for leave to proceed *in forma pauperis* and supporting statement of institutional accounts (Dkt. #11). Having reviewed the motion, the court finds petitioner has sufficient funds to prepay the filing fee of \$5.00 pursuant to Local Civil Rule 3.3(e). Petitioner's motion, therefore, is denied, and he must prepay the filing fee for this action to proceed.

Petitioner is ordered to forward the \$5.00 filing fee to the Court Clerk within twenty (20) days, or show cause by that date why he does not have the assets with which to pay the filing fee. The agency having custody of petitioner is ordered to release funds from petitioner's accounts, including petitioner's trust account, for payment of the filing fee. Failure to pay the filing fee or show cause why the fee cannot be paid will subject this action to dismissal.

IT IS FURTHER ORDERED that the Court Clerk send a copy of this order to petitioner's custodian and to the trust fund officer at his institution.

Dated this 4th day of June, 2012.


James H. Payne
United States District Judge
Eastern District of Oklahoma